

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA**

THE CADDO NATION OF OKLAHOMA, and)
BRENDA EDWARDS, in her capacity as)
Chairman of The Caddo Nation of Oklahoma,)
)
Plaintiffs,)
)
v.) Case No. CIV-14-281-D
)
THE COURT OF INDIAN OFFENSES FOR)
THE ANADARKO AGENCY,)
)
Defendant.)

ORDER

Before the Court is Plaintiffs' Emergency Motion for Temporary Restraining Order Without Notice and Preliminary Injunction Against the Court of Indian Offenses and Brief in Support [Doc. No. 2]. Plaintiffs have also filed a Supplement to the Motion [Doc. No. 8].

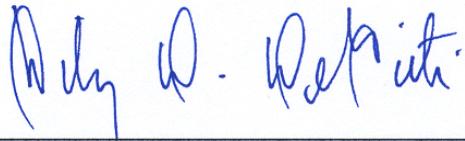
Plaintiffs' Complaint identifies as the basis for this Court's exercise of subject matter jurisdiction 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1346 (United States as defendant) and 28 U.S.C. § 1362 (Indian tribe as plaintiff). For purposes of federal question jurisdiction, Plaintiffs allege the action "arises under the laws and regulations of the United States, specifically 25 C.F.R. § 11.118." Complaint, ¶ 3. Plaintiffs seek a restraining order against Defendant, the Court of Indian Offenses for the Anadarko Agency, for acting outside the scope of its jurisdiction under 25 C.F.R. § 11.118.

Preliminary to addressing Plaintiffs' Motion, the Court has concerns about the proper exercise and scope of its jurisdiction in this matter. *Citizens Concerned for Separation of Church & State v. City & County of Denver*, 628 F.2d 1289, 1301 (10th Cir. 1980) ("A federal court must in every case, and at every stage of the proceeding, satisfy itself as to its own jurisdiction, and the

court is not bound by the acts or pleadings of the parties.”). The Court’s concerns include issues of comity and the requirement of exhaustion of remedies.

Accordingly, the Court directs Plaintiffs to file supplemental briefing specifically addressing these issues in further detail with supporting legal authority. Plaintiffs are directed to submit their additional briefing within seven (7) days of the entry of this Order. Plaintiffs are further directed to immediately provide a copy of this Order to Defendant, pursuant to Fed. R. Civ. P. 5, and to file a certificate with the Court showing compliance with the same. Defendant may submit briefing on these issues in the time period set forth above.

IT IS SO ORDERED this 21st day of March, 2014.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE